

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00612

Michael Jeffrey Spencer,
Petitioner,

v.

Sheriff, Smith County,
Respondent.

ORDER

On November 20, 2020, petitioner Michael Jeffrey Spencer, proceeding pro se, filed the above-styled petition for a writ of habeas corpus. Doc. 1. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b). Doc. 2.

On December 3, 2020, the magistrate judge instructed petitioner to either pay the \$5 filing fee or apply to proceed in forma pauperis. Doc. 3. Petitioner failed to do so. On January 22, 2021, the magistrate judge entered a report recommending that petitioner's petition be dismissed without prejudice for want of prosecution and failure to obey an order. Doc. 5. No objections were filed.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court **accepts** its findings and recommendation. The petition is **dismissed without prejudice** for failure to prosecute and for failure to comply with a court order.

So ordered by the court on March 4, 2021.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge